
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Joseph A. Dickson
:
v. : Mag. No. 20-8183
:
EMERSON PAVILUS : **CRIMINAL COMPLAINT**

I, Special Agent Ricky Miller, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations, and that this complaint is based on the following facts:

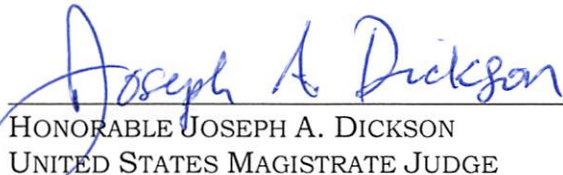
SEE ATTACHMENT B

Continued on the attached page and made a part hereof.



Ricky Miller, Special Agent
U.S. Department of Homeland Security,
Homeland Security Investigations

Special Agent Miller attested to this Complaint by telephone pursuant to Fed. R. Crim. P. 4.1(b)(2)(A), on June 22, 2020 at 1:15 p.m.



HONORABLE JOSEPH A. DICKSON
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Count One

(Conspiracy to Defraud the United States)

From in or around September 2019 through in or around December 2019, in Essex County, in the District of New Jersey and elsewhere, the defendant,

EMERSON PAVILUS,

did knowingly and intentionally conspire and agree with others to defraud the United States by interfering with and obstructing the lawful function of the United States Postal Service to: (1) properly deliver only legal substances and materials through the United States mail; and (2) properly deliver each parcel to the address listed on the parcel's label.

In violation of Title 18, United States Code, Section 371.

ATTACHMENT B

I, Ricky Miller, am a Special Agent with the United States Department of Homeland Security – Homeland Security Investigations (“HSI”). I am fully familiar with the facts set forth herein based on my own investigation, my conversations with other law enforcement officers, and my review of reports, documents, and evidence. Where statements of others are related herein, they are related in substance and part. Because this complaint is being submitted for a limited purpose, I have not set forth each and every fact that I know concerning this investigation. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. Law enforcement conducted an investigation into a drug trafficking organization (“DTO”) operating in Irvington, New Jersey, and elsewhere, based on physical surveillance, intercepted communications, phone location data, and cooperating witnesses. The DTO sold different types of narcotics, including methamphetamine, heroin, and cocaine, all of which law enforcement recovered during the course of the investigation. During the investigation, law enforcement learned that Prosper Bazile, a/k/a “Koofy,” “Dropkoofy” (“Bazile”) is the leader of the DTO.¹

2. During the investigation, law enforcement also learned that defendant Emerson Pavilus (“Pavilus”)—who is employed as a mail carrier for the United States Postal Service (“USPS”) and operates out of a post office in New Jersey—worked with Bazile to defraud the United States.

Goals of the Conspiracy

3. It was a goal of the conspiracy for Pavilus to utilize his position as a mail carrier to help Bazile coordinate the shipment of parcels containing illegal substances and materials, including narcotics, through the United States mail.

4. It was a further goal of the conspiracy for Pavilus to ensure that such parcels were sent to vacant addresses selected by Pavilus and that such parcels would be intercepted by Pavilus, rather than delivered to the listed delivery addresses on the parcels.

¹ On or about February 11, 2020, Bazile and five other individuals were charged via criminal complaint for one count of conspiracy to distribute methamphetamine, heroin, and cocaine. See Mag. No. 20-10033 (MAH).

Means and Methods

5. It was part of the conspiracy that Pavilus provided Bazile with addresses for vacant properties that were located along Pavilus's mail route to which Bazile could send parcels containing illegal substances and materials, including narcotics.

6. It was part of the conspiracy that Pavilus would intercept any parcel sent to a vacant address by Bazile.

7. It was part of the conspiracy that Bazile and Pavilus communicated by WhatsApp messages to coordinate deliveries of such parcels.

8. It was also part of the conspiracy that Bazile and Pavilus communicated by telephone to coordinate deliveries of such parcels.

Overt Acts

9. In furtherance of the conspiracy and to effect its unlawful goals, the following overt acts, among others, were committed in the District of New Jersey.

10. Pursuant to a lawful search of Bazile's cellular phone following his arrest, law enforcement discovered numerous messages between Bazile and Pavilus concerning the conspiracy. For example, on or about September 8, 2019, Bazile messaged Pavilus, via WhatsApp, a messaging application, "Yoyoo," to which Pavilus responded "Yo" and then provided two addresses in "Oakwood vlg" in Flanders, New Jersey (the "Flanders Addresses").

11. On or about October 2, 2019, Bazile sent the following WhatsApp messages to Pavilus:

Bazile: [Providing name with initials J.F.]

Bazile: He sent it yesterday

Bazile: He lost the tracking

12. On or about October 3, 2019, Bazile and Pavilus had the following discussion on WhatsApp:

Bazile: Bro it's coming tomorrow definitely they track it

Bazile: Did u get my message

Bazile: It's coming today Thursday

Bazile: [Providing name with initials J.F.]

Pavilus: I don't see anything

Pavilus: I'm ready to go outside

Pavilus: Ask them for the tracking

Bazile: I'm trying to call now

[Missed voice call at 11:26 AM]

Bazile: He said it comes tomorrow

Bazile: Bro don't forget tomorrow

13. Based on a review of databases, law enforcement confirmed that a parcel weighing approximately four pounds and seven ounces was shipped from San Juan, Puerto Rico to the Flanders Address that Pavilus had provided to Bazile in or around the beginning of October 2019. Law enforcement also confirmed that on or about October 5, 2019, Pavilus scanned the parcel as delivered to the Flanders Address, but it was not.

14. In addition, on or about October 13, 2019, Bazile sent Pavilus WhatsApp messages saying "Yoyo," "I need three addresses," and "Call me In the am." On or about October 14, 2019, Pavilus sent Bazile three addresses in Flanders, New Jersey, including two in "Oakwood vlg," in close proximity to the Flanders Addresses. Bazile then responded, "Do u have anything different from oakwood vlg?"

15. Based on my training and experience, and discussions with other law enforcement officers, I believe that Bazile asked Pavilus to provide him with additional addresses to send parcels of bulk narcotics, and Pavilus did so.

16. Furthermore, on or about October 18, 2019, Bazile and Pavilus had the following discussion on WhatsApp:

Bazile: Gm can I get something from Dominican republic thru usps

Bazile: ????

Pavilus: Yes you could

17. Based on my training and experience, and discussions with other law enforcement officers, I believe that Bazile's mention of "something from Dominican republic" was a reference to a shipment of narcotics.

18. Furthermore, in or around November 2019, Bazile and Pavilus engaged in the following lawfully intercepted conversation:

Pavilus: Hello

Bazile: Oh, what did I do to you buddy?

Pavilus: I'm at work right. The stuff really... You know... I just got on the road. I still can't tell you anything. I still can't tell you anything right now.

Bazile: Aight, well...

Pavilus: [U/I]... I'm currently still at work. I still have not left. So you should know, that one (1) it's not the same. I need to find a place... I need to find a place... These things around here are just so close. I need to find a place to give you.

Bazile: **But that's the thing, it really don't matter 'cause it ain't like it's going in the house.** [emphasis added]

Pavilus: **No, it's not going in the house but I want to give you a place that's empty. I will write two (2) three (3) addresses for you. You only need one (1), right?** [emphasis added]

Bazile: Yeah.

Pavilus: Okay well, I will call you shortly.

Bazile: Call me on the other thing.

Pavilus: Aight [U/I]... I will call you on the thing, then we can do what we need to do.

Bazile: Aight.

Pavilus: Oh good, okay.

19. Based on my training and experience, and discussions with other law enforcement officers, I believe that Bazile asked Pavilus to provide him with additional addresses to send parcels of bulk narcotics, and Pavilus agreed to do so, all in an effort to defraud the United States by interfering with and obstructing the lawful function of the United States Postal Service.